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**Amendments to the Drawings**

The attached sheets of drawings include changes that correct the errors listed by the Office and includes the following changes:

FIG. 2: Arrows (element A) indicating the flow of air through the system have been added.

The flush holes (element 30a) have been added.

The flapper, shown in original drawings, has been labeled as element 22.

The activation switch has been labeled as element 52.

The adapted filler tube has been labeled as element 105.

The air flap between the air compartment and the fan box has been labeled as element 85.

The water level in the toilet tank has been identified as element W.

The toilet tank has been labeled as element 20.

FIG. 3: The fan-box inlet is labeled as element 70a and the fan-box outlet is labeled as element 70b.

The exhaust pipe is labeled as element 60.

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REMARKS

Applicant has carefully studied the nonfinal Examiner's Action; the amendments appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings that correspond to the centered headings employed by the Office, to ensure full response on the merits to each finding of the Office.

*Drawings*

Applicant has amended FIGS. 2 and 3 to distinctly point-out the flush holes, adapted water refill tube, the inlet and outlet for the fan compartment, the activation switch, air flap and normal operating level of the water in the tank. Air flow through the system is now shown by arrows in FIG. 2.

Applicant respectfully submits that the flow of water through the system, nor the position of unaltered water-fill tubes, need not be shown as it does not vary from that of conventional toilets. Applicant does not need to distinctly point out that which is well known and not part of the invention. The electrical circuit has been identified but Applicant has not claimed a particular circuitry. The circuitry used to implement the invention is well-known, to say the least. The references shown by the Office to support the claim rejections clearly show the type of circuitry used in the invention was known at the time the invention was made.

The informalities indicated by the office have been rectified by virtue of the amendments to the drawings.

*Specification*

Applicant has provided the Office with a Specification containing spacing of 1½. The application was submitted electronically using EFS. Applicant respectfully submits that the quality of the copy in the possession of the Office is a result of the EFS system and cannot be rectified by Applicant.

Applicant has provided an amended ABSTRACT OF THE DISCLOSURE to correct the deficiencies highlighted by the Office.

### *Claim Objections*

Applicant has addressed the deficiencies of the claims by virtue of the amendments above.

### *Claim Rejections – 35 USC §112*

Claims 1-5 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out the invention. Specifically, the use of the term “water compartment” has been alleged to render the claim indefinite. Applicant has amended the claim to remove the ambiguity. As the Office correctly asserted, the term “water compartment” has been replaced with the term “air compartment.” Applicant thanks the Office for correctly interpreting the claim, despite the ambiguity.

Claims 3 and 4 stand rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Office asserts that common toilet flush handles do not move in an upward direction. Respectfully, Applicant points out that the invention does not claim that the flush handle is standard. Also, the Office has not offered any evidence as to why one skilled in the art would not be able to modify an existing flush handle to provide a greater range of motion. The movement of the flush handle is easily modified by the turn of a wrench or by removing the plastic which acts as positive stop within the handle. The modification proposed by the specification is well within the ability of one of ordinary skill in the art at the time the invention was made and, absent any actual evidence by the Office, is therefore enabled by the specification.

### *Claim Rejections – 35 USC §103*

Claims 1, 2 and 5 stand rejected under 35 USC §103 as being obvious in light of Poirier and Poister references. Applicant respectfully traverses the rejection in light of the following remarks and the amendments above.

Applicant has amended claim to recite an upwardly facing water trap. Support for this amendment is clearly shown in the figures. The upwardly facing trap retains water, and therefore a seal between the tank and the air compartment, even when the water level in the tank is lowered. This insures that air within the air compartment cannot escape into the tank. Poirier, in contrast, merely provides an opening around the overflow tube (element 66a, Fig. 5). While this does not even meet the requirement of being a water trip having a “first side” and a “second

side" as recited in the claim, the seal provided between the air compartment and the tank is lost when the water level in the tank is lowered. Poirier expressly states:

Of course, when water level L2 momentarily drops beneath the level of the bottom section of siphon member 64 (as when the water in the toilet bowl is flushed), siphoning action momentarily stops for a brief period of time. [Col. 6, lines 25-29].

Although Poirier offers theories as to why malodorous air will not escape into the tank, the fact remains that the air compartment is in fluid communication with the tank when the toilet is flushed in the Poirier disclosure. The presence of the upwardly facing water trap prevents the air compartment from ever being in fluid communication with the tank, thereby maintaining the necessary seal, under normal operating conditions.

Claim 2 depends from an allowable claim and is therefore allowable as a matter of law.

With regard to claim 5; the Office asserts that relocating the refill tube (H) of Poirier would perform equally well with a water tube adapted to open into the water trap. This finding is inaccurate. As discussed above, Poirier does not have a true water trap. Rather, Poirier has a downwardly facing opening and the overflow tube simply terminates at a point above expected water levels. If the refill tube (H) were adapted to discharge water into the water trap (read by Applicant as being the area defined by mouth 66a), water would flow straight down into the tank and only after the tank had filled would water enter the "trap." If the reading of the Office is accepted, in that the water trap is defined by vertically extending element 66 (Action, page 9, 2<sup>nd</sup> paragraph), then the entire device would be inoperable since if the area defined by element 66 were filled with water since water would then be sucked up into the fan compartment on operation. It is clear that a reference can render a claim obvious if the proposed change would render it inoperable.

#### *Conclusion*

Entry of a Notice of Allowance is solicited. If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (813) 925-8505 is requested.

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Very respectfully,

SMITH & HOPEN

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Dated: February 6, 2007

Customer No.: 21,901

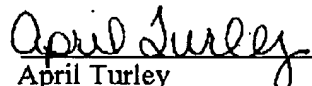
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CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Amendment A is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3751, Attn.: Kristie Annette Mahone, (517) 273-8300 on February 6, 2007.

Dated: February 6, 2007

  
April Turley